

105TH CONGRESS
1ST SESSION

H. R. 1282

To authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1997

Mr. CRAPO (for himself and Mrs. CHENOWETH) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CONVEYANCE OF FACILITIES.**

4 (a) DEFINITIONS.—In this section:

5 (1) BURLEY.—The term “Burley” means the
6 Burley Irrigation District, an irrigation district or-
7 ganized under the law of the State of Idaho.

8 (2) DIVISION.—The term “Division” means the
9 Southside Pumping Division of the Minidoka
10 project, Idaho.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (b) CONVEYANCE.—

4 (1) IN GENERAL.—The Secretary shall, without
5 consideration or compensation except as provided in
6 this section, convey to Burley, by quitclaim deed or
7 patent, all right, title, and interest of the United
8 States in and to the withdrawn and acquired lands,
9 easements, and rights-of-way of or in connection
10 with the Division, together with the pumping plants,
11 canals, drains, laterals, roads, pumps, checks,
12 headgates, transformers, pumping plant substations,
13 buildings, transmission lines, and other improve-
14 ments or appurtenances to the land or used for the
15 delivery of water from the headworks of the South-
16 side Canal at the Minidoka Dam and reservoir to
17 land in Burley, including all facilities used in con-
18 junction with the Division (including the electric
19 transmission lines used to transmit electric power
20 for the operation of the pumping facilities of the Di-
21 vision and related purposes for which the allocable
22 construction costs have been fully repaid by Burley).

23 (2) COSTS.—The first \$80,000 in administra-
24 tive costs of transfer of title and related activities
25 shall be paid in equal shares by the United States

1 and Burley, and any additional amount of adminis-
2 trative costs shall be paid by the United States.

3 (c) WATER RIGHTS.—

4 (1) TRANSFER.—The Secretary shall transfer
5 to Burley, through an agreement among Burley, the
6 Minidoka Irrigation District, and the Secretary, in
7 accordance with and subject to the law of the State
8 of Idaho, all natural flow, waste, seepage, return
9 flow, and ground water rights held in the name of
10 the United States for the benefit of, and for use on
11 land within, the Burley Irrigation District.

12 (2) ALLOCATION OF STORAGE SPACE.—The al-
13 location to Burley of storage space in Minidoka Res-
14 ervoir, American Falls Reservoir, and Palisades Res-
15 ervoir, in accordance with Burley Contract Nos. 14–
16 06–100–2455 and 14–06–W–48 is affirmed, subject
17 to the obligation of Burley to continue to assume
18 and satisfy its allocable costs of operation and main-
19 tenance associated with the storage facilities oper-
20 ated by the Bureau of Reclamation.

21 (d) PROJECT RESERVED POWER.—

22 (1) IN GENERAL.—The Secretary shall continue
23 to provide Burley with a permanent right to project
24 reserved power from the Minidoka Reclamation
25 Power Plant, Palisades Reclamation Power Plant,

1 Black Canyon Reclamation Power Plant, and Ander-
2 son Ranch Reclamation Power Plant at the cost of
3 production and delivery to Burley in accordance with
4 understandings and commitments made by the Sec-
5 retary in acquiring the plants, the reclamation laws,
6 and contracts for electric power in existence of the
7 date of enactment of this Act.

8 (2) RIGHT OF FIRST REFUSAL.—If the United
9 States decides to transfer out of Federal ownership
10 title to the Minidoka Power Plant or Dam, the Sec-
11 retary shall grant to entities entitled to storage
12 water in Lake Walcott (the reservoir created by
13 Minidoka Dam) under spaceholder contracts with
14 the United States a right of first refusal to acquire
15 the power plant or dam and related facilities at such
16 reasonable cost and subject to such terms and condi-
17 tions as may be agreed on by the spaceholders and
18 the Secretary.

19 (e) RIGHT OF JOINT USE.—Burley shall continue to
20 recognize the right of Minidoka Irrigation District to the
21 joint use of the gravity portion of the Southside Canal
22 being transferred to Burley, subject to compliance by the
23 Minidoka Irrigation District with the terms and conditions
24 of a contract between Burley and Minidoka Irrigation Dis-

1 triet, and any amendments or changes made by agreement
2 of the irrigation districts.

3 (f) LIABILITY.—

4 (1) IN GENERAL.—Effective on the date of con-
5 veyance of the lands, easements, and rights-of-way
6 under subsection (b), the United States shall not be
7 held liable by any court for damages of any kind
8 arising out of any act, omission, or occurrence relat-
9 ing to the conveyed lands, easements, and right-of-
10 way, except for damage caused by an act of neg-
11 ligence or other tortious conduct committed by the
12 United States or by its employees, agents, or con-
13 tractors of the United States before the conveyance.

14 (2) NO INCREASE IN LIABILITY.—Paragraph
15 (1) does not increase the liability of the United
16 States beyond that currently provided in chapter
17 171 of title 28, United States Code (commonly
18 known as the “Federal Tort Claims Act”).

19 (f) COMPLETION OF CONVEYANCE.—

20 (1) IN GENERAL.—The Secretary shall complete
21 the conveyance under subsection (b) (including such
22 action as may be required under the National Envi-
23 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
24 seq.)) not later than 2 years after the date of enact-
25 ment of this Act.

1 (2) DEFAULT.—If the conveyance is not com-
2 pleted by January 1, 2000, through no fault of Bur-
3 ley—

4 (A) the right, title, and interest of the
5 United States described in subsection (b)(1) are
6 conveyed to Burley on that date by operation of
7 law; and

8 (B) the Secretary shall provide evidence of
9 the conveyance at the request of Burley.

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